

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012964



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P01435WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012964	International filing date (day/month/year) 19 November 2003 (19.11.2003)	Priority date (day/month/year) 02 December 2002 (02.12.2002)
International Patent Classification (IPC) or national classification and IPC A47L 11/284		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 02 July 2004 (02.07.2004)	Date of completion of this report 04 March 2005 (04.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012964

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-28 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-13 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/14-14/14 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/12964

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 2, 4-6, 8, 10, 11, 13	NO
Inventive step (IS)	Claims		YES
	Claims	3	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

- D1: DE 297 12 122 U (WEIDIG WILFRIED), 11 September 1997
(1997-09-11)
- D2: WO 02/39864 A1 (AASEN TURBJORN), 23 May 2002 (2002-05-23)
- D3: WO 01/82766 A (PERSONAL ROBOTICS INC), 8 November 2001
(2001-11-08)
- D4: US-A-5 381 578 (ARMBRUSTER JOSEPH M), 17 January 1995
(1995-01-17)

- 1.1 The application fails to meet the requirement of PCT Article 33(1) because the subject matter of **claims 1, 2, 4, 8, 10, 11 and 13** is not novel (PCT Article 33(2)).

Document D1 discloses a manually operated

device for polishing flat surfaces, with a motor drive mechanism 4 and a polishing element 5,7 (see page 1, paragraph headed "Lösung" [= Solution]), in which:

- when the device is moved by the drive mechanism 4, the drive mechanism 4 lies within a path width covered by the polishing element 5,7;
- the drive mechanism 4 is mounted over the polishing element 5,7;
- the outer dimensions of the device when projected onto

the surface to be polished are limited by the continuous polishing element 5,7.

D1 also discloses a method for polishing flat surfaces using such a device.

The oscillating motor (or drive mechanism) 4 in the device disclosed in D1 moves the oscillating plate 5. Thus the device is moved by the oscillating motor.

1.2 Document D2 discloses an automatic device for polishing flat surfaces that has all the features specified in claims 1, 2, 4, 11 and 13.

2. **Claim 3** relates to a structural modification of the device according to D1, which does not go beyond what a person skilled in the art would normally do on the basis of routine considerations, especially since the resulting advantages are readily predictable.

Thus dependent claim 3 does not contain any features that meet the PCT requirements in respect of inventive step when combined with the features of any of the back-referenced claims.

3. Document D3 discloses a device that has all the features specified in claim 1, and which is designed to move over the surface to be polished with the aid of drive mechanism 105,106,107, such that in the course of one pass the same long side of the polishing element 115 is always at the front.

The polishing element 64 in the manually operated device described in document D4 (see figure 10 in D4) can be moved in an oscillating manner relative to the rest of the device (see D4, page 2, lines 26 to 36).

The subject matter of **claims 5 and 6** therefore lacks novelty (PCT Article 33(2)).